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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
ANDREW XAVIER MONCADA,  
  
Defendant and Appellant.

C057845  
  
(Super. Ct. Nos.  
06F04577, 06F04970)

Following the denial of defendant Andrew Xavier Moncada's motions to suppress evidence, he entered into a negotiated settlement whereby he pled no contest in Sacramento County Superior Court case No. 06F04577 to attempted murder with admissions of criminal street gang and firearm use enhancements and, in case No. 06F04970, to conspiracy to sell methamphetamine with an admission of a criminal street gang enhancement in exchange for the dismissal of other counts and a prison sentence of 29 years.

On appeal, defendant requests that in accordance with *People v. Hobbs* (1994) 7 Cal.4th 948, which governs appellate review of sealed affidavits supporting search warrants, we

review the sealed affidavits in this case to determine whether the trial court's order as to the sealed portion of the affidavits was valid and whether the affidavits demonstrate probable cause and necessity for issuance of the search warrants. We have done so and shall affirm the trial court's orders and judgment.

#### **BACKGROUND**

On April 18, 2006, pursuant to a search warrant, Detective Kevin Steed installed a GPS (global positioning system) satellite tracking device on a Lexus automobile used by defendant. The unsealed portion of the affidavit established that Steed began investigating defendant in January 2006 based on information provided to him by a confidential informant that defendant was distributing large quantities of methamphetamine throughout the Sacramento area. During four controlled buys, surveillance teams, who were attempting to learn of defendant's sources, were thwarted in their efforts to follow defendant because of his "counter surveillance techniques," namely, his aggressive driving, which made it impossible for the teams to follow him. Hence, the GPS device was necessary.

On May 16, 2006, Steed obtained a wiretap warrant for two of defendant's cell phones along with an order sealing a portion of the supporting probable cause affidavit. The unsealed portion of the affidavit essentially repeated the efforts made by law enforcement to discover defendant's sources so that law enforcement could dismantle the distribution organization of which defendant was a part.

### **EVIDENCE OBTAINED FROM WARRANTS**

As to the methamphetamine distribution charges (case No. 06F04970), the investigation led to the search of at least six residences, included 13 codefendants, and resulted in the recovery of multiple firearms, including rifles, shotguns, assault weapons, and machine guns, and about two pounds of methamphetamine.

Regarding the attempted murder charge (case No. 06F04577), on May 23, 2006, officers monitoring defendant's calls overheard him saying that he was looking for and going to shoot "Sweaty Eddie." About 10 minutes later, defendant was overheard saying he had found Sweaty Eddie and had shot up Eddie's truck, but he did not hit Eddie himself.

### **DISCUSSION**

Pursuant to *People v. Hobbs, supra*, 7 Cal.4th 948, we have reviewed the sealed portions of the affidavits and find that probable cause and necessity support the issuance of the warrants, and that the sealed portions were properly sealed and must remain so to protect the identities of any and all informants.

Accordingly, we reject defendant's contentions that the trial court erred in denying his motion to suppress evidence seized as a result of the placement of a GPS device on his vehicle and use of a wiretap, and that his trial attorney was ineffective for not moving to unseal the sealed portion of the affidavits in support of the warrants to use the GPS device and to use a wiretap.

**DISPOSITION**

The judgment is affirmed.

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RAYE, J.

We concur:

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SCOTLAND, P. J.

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BUTZ, J.